

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

RICK ENGSTRUM
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING MOTION IN
LIMINE RE REBUTTAL EVIDENCE
AND DENYING MOTION IN
LIMINE RE: EVIDENCE OF
PHONE CALLS AND RELATED
EVIDENCE

Case No. 2:08-CR-430 TS

Defendant seek to exclude the government's rebuttal evidence on prospective risk of violence and to exclude evidence of the circumstances under which the police were called to his house.

When the Motions were filed, there was an issue in this case regarding Plaintiff's prospective risk of violence. The Tenth Circuit's August 13, 2009 Order removed any issue of a prospective risk of violence. Therefore, it appears that these two motions are moot. Perhaps for that reason, the government has filed no response.

Accordingly, the Court will deny the Motions as moot. However, as to the Motion regarding evidence of the phone call and other circumstances of the police being called to Defendant's home, the denial is without prejudice to the renewal of the motion to exclude specific evidence in the context of the remaining issues in this case.


It is therefore

ORDERED that Defendant's Motion in Limine to Exclude Government's Rebuttal Evidence (Docket No. 72) is DENIED as moot. It is further

ORDERED that Defendant's Motion in Limine to Exclude Evidence of Telephone Calls and Related Evidence (Docket No. 73) is DENIED without prejudice.

DATED December 11, 2009.

BY THE COURT:



TED STEWART
United States District Judge